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UNITED PARCEL SERVICE, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 HEROES CLUB, INC., a California Corporation,
14 Plaintiff,
15 v.
16 UNITED PARCEL SERVICE, INC., and DOES
1-50,
17 Defendants.
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Case No. 07-4422 JCS

**DECLARATION OF
ANNEMARIE O'SHEA IN
SUPPORT OF DEFENDANT
UNITED PARCEL SERVICE,
INC.'S MOTION FOR
JUDGMENT ON THE
PLEADINGS**

Date: December 14, 2007
Time: 9:30 a.m.
Courtroom: A

1 I, Annemarie C. O'Shea, am an attorney with the law firm of Morrison & Foerster LLP,
2 counsel for United Parcel Service, Inc. ("UPS"), defendant in this action. I have personal
3 knowledge of the facts set forth below, and if called as a witness, I could and would so testify to
4 them. I submit this declaration in support of UPS's Motion For Judgment on the Pleadings.

5 1. Attached as Exhibit A is a true and correct copy of excerpts from the UPS Rate and
6 Service Guide, dated Jan. 1, 2007 and in effect in 2007.

7 2. Attached as Exhibit B are true and correct copies of excerpts from the Jan. 2, 2006
8 UPS Rate and Service Guide, and the UPS General Tariff Containing the Classifications, Rules
9 and Practices for the Transportation of Property (the "UPS Tariff"), dated Jan. 2, 2006, and Nov.
10 1, 2006, in effect in 2006.

11 3. Attached as Exhibit C are true and correct copies of excerpts from the Jan. 3, 2005
12 UPS Rate and Service Guide and from the UPS Tariffs, dated Jan. 3, 2005, July 11, 2005, Aug.
13 15, 2005, and Nov. 21, 2005, in effect in 2005.

14 4. Attached as Exhibit D are true and correct copies of excerpts from the Jan. 5, 2004
15 UPS Rate and Service Guide and from the UPS Tariffs, dated Jan. 5, 2004, and July 12, 2004, in
16 effect in 2004.

17 5. Attached as Exhibit E are true and correct copies of excerpts from the Jan. 6, 2003
18 UPS Rate and Service Guide and from the UPS Tariffs, dated Jan. 6, 2003, and July 14, 2003, in
19 effect in 2003.

20 I declare under penalty of perjury under the laws of the United States that the foregoing is
21 true and correct.

22 Executed this 9th day of November, 2007, at San Francisco, California.

23 /s/ Annemarie C. O'Shea
24 Annemarie C. O'Shea